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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/768,935	01/30/2004	Karl J. Schaefer	BOEI-1-1252	8514

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EXAMINER	
HOLZEN, STEPHEN A	
ART UNIT	**PAPER NUMBER**
3644	

DATE MAILED: 08/22/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	10/768,935	SCHAEFER ET AL.	
	Examiner	Art Unit	
	Stephen A. Holzen	3644	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *02 June 2006*.

2a)☐ This action is **FINAL**. 2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-27* is/are pending in the application.

4a) Of the above claim(s) *6,7 and 20-24* is/are withdrawn from consideration.

5)☒ Claim(s) *16-19* is/are allowed.

6)☒ Claim(s) *1,2,5,8,9,11,12 and 25-27* is/are rejected.

7)☒ Claim(s) *3,4,10 and 13-15* is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☐ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ .
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: _____.

DETAILED ACTION

Response to Arguments

1. Applicant's arguments filed 6/12/2006 have been fully considered but they are not persuasive.

Initially it should be understood that the examiner did not specifically provide applicant with allowable subject matter. The examiner appreciates applicant's amendment and applicant's desire to move the application towards issuance. The examiner called the applicant in an effort to negotiate an examiner's amendment; however, due to time constraints the examiner and applicant were unable to agree on specific claim language. The applicant is invited to call the examiner, at the applicant's convenience so that the examiner and applicant can further discuss the scope of the claim language. The examiner apologizes for the confusion as to the scope of the prior art. The examiner withdraws the previous rejection and presents a new more in-depth rejection over the Sisk and Rasmussen patents.

Claim Rejections - 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless –
>
> (b) The invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

3. Claims 1, 9, 11, 12, 25, and 26 are rejected under 35 U.S.C. 102(b) as being anticipated by H. D. Sisk (2,998,948).

Re – Claims 1: Sisk discloses an apparatus for hoisting a module for attachment to one or more overhead support frame in an aircraft, the apparatus comprises

a first frame (the frame #124 holding the cargo 64) configured to support the module (64), and a lifting device (68) configured to lift the first frame (#68 lifts the frame 124 that holds the cargo),

the lifting device including:

a second frame (88), a plurality of attachment devices (Frame 88 is attached to #74 which is attached to the overhead I-beams of the fuselage via brace beams and bolts/welding/screws type devices) configured to attach the second frame to the one or more overhead support frames (fuselage #24 has I-beams in the overhead location) in the aircraft, and a driving device (94) configured to lift the second frame (see Figure 6) up relative to the plurality of attachment devices, wherein the second frame receives the first frame therein (#88 receives the frame upon which the cargo #64 rests) as the second frame is lifted by the driving device to hoist the module for installation in the aircraft (see Figures 1 and 2 that illustrate the installation of cargo and the first frame into the aircraft)

Re – Claim 9: wherein the first frame (#124) includes a support frame (#124; the support frame is the first frame) configured to support the module (64) at least

one dolly configured to support the support frame until the lifting device lifts the support frame (#62 can broadly be considered a dolly).

Re – Claim 11: a plurality of mounting pads 148 configured to support the module and a plurality of saddles (notch 150) configured to receive the second frame as the second frame is lifted by the driving device.

Re – Claim 12: The applicant should appreciate the breath of the language presently used. The examiner asserts that the saddles include devices (the notch is the device) that allow the module #64 to slide (rotate) into engagement with the second frame 88. The examiner asserts that while the notches themselves do not specifically rotate, they allow for a rotational movement of the module when the frame #124 and the second frame are not precisely aligned. The examiner asserts that the slanted edges of the notch are evidence that Sisk anticipated that the devices may have slight misalignment during loading. It is these slanted edges of the notch that the examiner asserts allow a rotatable reception.

Re – Claim 25: Sisk discloses an apparatus for hoisting a module for attachment to one or more overhead support frames in an aircraft, the apparatus comprises

a first frame (the frame #124 holding the cargo 64) configured to support the module (64), and a lifting device (68) configured to lift the first frame (#68 lifts the frame 124 that holds the cargo),

the lifting device including:

a second frame (88), a plurality of attachment devices (Frame 88 is attached to #74 which is attached to the overhead I-beams of the fuselage via brace beams and bolts/welding/screws type devices) configured to attach the second frame to the one or more overhead support frames (fuselage #24 has I-beams in the overhead location) in the aircraft, and a driving device (94) configured to lift the second frame (see Figure 6) up relative to the plurality of attachment devices, wherein the second frame receives the first frame therein (#88 receives the frame upon which the cargo #64 rests) as the second frame is lifted by the driving device to hoist the module for installation in the aircraft (see Figures 1 and 2 that illustrate the installation of cargo and the first frame into the aircraft).

The examiner asserts that Figure 15 illustrates that the first frame is configured to fit through an aircraft door. (i.e. the frame is narrow enough to fit within the enclosure/door).

Re – Claim 26: as illustrated in Figures 4 and 5 the aircraft has one or more overhead support frames mounted in the fuselage crown. (I-Beams)

4. Claims 1, 2, 5, and 8 are rejected under 35 U.S.C. 102(b) as being anticipated by Rasmussen (6,983,980).

Re – Claim 1: Rasmussen discloses an apparatus for hoisting a module for attachment to one or more overhead support frame in an aircraft (see Col. 1, lines 36), the apparatus comprises a first frame (54) configured to support the module (52), and a lifting device configured to lift the first frame, the lifting device including a second frame (50), a plurality of attachment devices (60) configured to attach the second frame to the one more overhead support frame in the aircraft (the examiner asserts that the ceiling #24 reads on overhead over support frames and the attachment devices indirectly attach the second frame #50 to the ceiling); and a driving device (34, 36) configured to lift the second frame up the plurality of attachment devices, wherein the second frame receives the first frame therein as the second frame is lifted by the driving device to hoist the module for installation in the aircraft. (See Col. 1, line 36).

Re – Claims 2, 5, and 8: wherein the driving device includes a plurality of gear boxes (34). The motor assembly 36 provides rotational motion (e.g., rotating shaft, etc.), which is used to move the moving assemblies 50. The drive members 34 are used to transmit the driving force provided by the motor assembly 36 to the moving assemblies 50. The drive members 34 are rigid and transmit rotational motion from the motor assembly 36 to the moving assemblies 50. The rigid drive member is a tube. In the embodiments shown in FIGS. 5-8, the transmissions 200 use a pair of bevel gears 254, 264 to translate the rotational motion 90 degrees between the drive shafts 150a, 150b and the drive member 34b.

Claim Rejections - 35 USC § 103

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

6. Claim 27 is rejected under 35 U.S.C. 103(a) as being unpatentable over Sisk as applied above and further in view of O'Neill (3,419,164). Sisk does not disclose that the cargo can be used for holding passengers. O'Neill teaches that it is well known in the art to load passenger modules outside the fuselage of the craft and then insert the module into the fuselage (see figure 1). It would have been obvious to one having ordinary skill in the art at the time the invention was made to use a module capable of being used by a crew for resting purposes.

Allowable Subject Matter

7. Claims 16-19 are allowed.

8. Claims 3, 4, 10, and 13-15 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

9. Re – Claims 3, 4, 13-15 and 16-19: The following is an examiner's statement of reasons for allowance: the prior art does not teach using straps attached a first end to a

drum and at a second end to an overhead support frame in an aircraft such that each drum receives a strap when the rubes are rotated by the gear box.

10. Re – Claim 10: the prior art does not disclose a support frame having at least two telescoping frame members.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Stephen A. Holzen whose telephone number is 571-272-6903. The examiner can normally be reached on M-F 8:30-5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Teri Luu can be reached on 571-272-7045. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Sah
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8/18/06